



Labor Compliance

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Labor Compliance: Objectives



Be able to...

- Understand federal and state laws
- Daily reports and payroll review
- Conducting required interviews
- Understand prevailing wage rates
- Verify required posters are onsite
- Enforce Trainees/Apprentice goal
- Take action for non-compliance of prevailing wage laws



Labor Compliance: Labor Laws and Regulations



- Code of Federal Regulations (CFR 23, 26, 29, 49)
- U.S. Department of Labor
- FHWA Regulations
- California Labor Code (1720-1815 covers Public Works Projects)
- California Code of Regulations (16000 – expands & defines the state laws)



Labor Compliance: Federal Labor Laws



Davis – Bacon Act

- Enacted in 1931
- Amended in 1935 & 1964
- Requires payment of prevailing wage on federal contracts
 - Laborers and mechanics employed on the worksite performing construction, alteration, and/or repair, including painting & decorating of public buildings or public works.
- Employees must be properly classified
- Paid at least once a week
- Must post wage rates and the minimum wage poster
- Required for any contracts in excess of \$2,000
 - The structure of payments does not determine coverage, it is based on the total awarded contract amount.



Labor Compliance: Federal Labor Laws



Contract Work Hours and Safety Standards Act of 1962

- 40 USC §327-332
- Overtime paid for anything **over 40 hours** in a **week**
 - Has no “site of work” limitation (i.e. the worker is entitled to overtime for hours worked regardless of whether all hours were on the public works site.
- Paid at one time and one-half of the basic rate.
- Contractor liable for liquidated damages at \$27/day per employee
 - Assessed by the contracting agency, and must be completed with violations identified.
 - Agencies may not reduce or waive liquidated damages unless permission is given from DOL Wage and Hour Division (29 CFR §5.24)
- Intentional violations carry a \$1,000 fine and/or 6 months imprisonment



Labor Compliance: Federal Labor Laws



Copeland Act

When reports were provided to the Senate Committee on DBA compliance it had been found up to 25% of the money due to workers was unlawfully returned to contractors and subcontractors, or officials on the job.

- Passed in 1934
- Full wages earned must be paid
- Regulates payroll deductions
- Proper payroll records must be kept
- Statement of Compliance submitted weekly for work performed
 - False Statement Act applies to certified payroll
- Prohibits “kickback” of wages and back wages
 - Felony with a potential fine up to \$250,000 for a person and \$500,000 for a corporation, as well as up to 5 years imprisonment.



Labor Compliance: Federal Labor Laws



False Information Act

- Falsification of a certified payroll is a felony that can result in a fine and/or up to 5 years in prison (18 USC §874 & 1001).
- Grounds for a lawsuit under the false claims act.
- False Statement posters shall be posted on the worksite.



Labor Compliance: Federal Labor Laws



29 CFR 5.5 requirements on prevailing wage:

- 5.5(a)(1) – Minimum wages
- 5.5(a)(2) – Withholding obligations
- 5.5(a)(3) – Maintaining basic payroll records
- 5.5(a)(4) – Apprentices and trainees
- 5.5(a)(5) – Copeland Act Compliance
- 5.5(a)(6) – Subcontracts
- 5.5(a)(7) – Contract termination & debarment
- 5.5(a)(8) – Rulings & Interpretations
- 5.5(a)(9) – Disputes
- 5.5(a)(10) – Certification of Eligibility



Labor Compliance: Federal Labor Laws



Where is my contract?

FHWA Form 1273

**Required Contract Provisions Federal-Aid
Construction Contracts
(Handout Pgs. 1-12)**

LAPM Exhibit 12-E



Labor Compliance: State Labor Code



- Contractors and subcontractors **must pay workers prevailing wage rate** as required by Department of Industrial Relations (DIR) and published on the DIR website.
 - **Penalties** for failure to pay prevailing wages up to \$200 per day, per worker.
- Contractors and subcontractors must keep and furnish certified payroll records to DIR and awarding body.
 - Penalties for failure to submit required payroll records at \$100 per day per worker until compliance is met.
- Contractors and subcontractors must pay overtime for all hours worked over 8 hours in a day and 40 hours in a week.
 - Penalties for failure to pay overtime at \$25 per day, per worker.



Labor Compliance: State Labor Code



- 8 hrs = legal day's work (calendar day)
- **Overtime pay required for**
 - + 8 hr/day, and
 - + 40 hr/calendar week
- **Overtime =**
 $(1.5 \times \text{base wage rate}) + \text{fringe benefits}$

Standard formula used, unless DIR wage determination indicates otherwise in footnotes

Codes 1810-1815



Labor Compliance: State Labor Code



Public Works Contractor Registration Program

- Applies to all - primes and subs performing work on a public works contract
 - Includes: sole proprietors and equipment owner-operators performing prevailing wage work
- Register and pay \$400 each fiscal year
 - Contractors may register multiple years
- Required for any bid proposal and must be current at time of award
- Submit Cert. Payrolls to Labor Commissioner and awarding body
- Contractors/subcontractors not required to have a CSLB license for the type of they are performing must still be registered to with DIR to perform work on the project

Senate Bill 854, Labor Code 1725.5 & 1771.1



Labor Compliance: State Labor Code



How are these State laws incorporated into my contract?

Contractor must comply with laws, ordinances and regulations.

CT Standard Specifications 2018 Section 7-1.02A Laws & 7-1.02K Prevailing Wage Requirements,



Labor Compliance:

RESPONSIBILITIES



Local Agencies must:

1. Designate a Labor Compliance Officer for the contract
2. Conduct a pre-job meeting and discuss LC requirements
3. Document pre-job meeting held and those who attended the meeting
4. Document presence of contractor employees on worksite and site adjacent locations (i.e. staging areas etc.)
5. Document equipment operated and operators
6. Check certified payrolls
7. Conduct employee interviews
8. Verify all posters are on job site
9. Withhold of contract funds for identified violations

Labor Compliance:

1. Pre-Job Requirements



- A pre-job meeting must be performed in accordance with Labor Code 1771 and CCR, Title 8 requirements. 16421.
 - Documentation of information provided via a checklist.
 - Templates Caltrans uses are available on the Caltrans Labor Compliance website and may be revised to fit a local agencies needs.
 - **First Line of Defense!**



FEDERAL-AID CONTRACT



Contract #:	Federal-Aid #:	Date:
Date Advertised for Bids:		Bid Opening Date:
Contract Bid Amount:	Working Days:	Contract Type: Construction ▾
Description of Project: Enter project description.		
Labor Compliance Contact Information:	Name	
	Address	
	City, CA	Zip
	Phone Number	Fax number
	Email Address	
Prime Contractor:	Name	
	Address	
	City, CA	Zip
Resident Engineer:	Prejob performed by:	

POSTERS/NOTICES

Contractors are required to post all required state and federal posters on the jobsite in an area accessible to all workers, including subcontractors. Posters must be readable and placed in visible areas allowing workers to access the posters before, during, and after work shifts. Jobsites with multiple locations must include a portable poster board to ensure continued access to the information. Posters placed in foreman, supervisor, or employee vehicles, in an offsite job trailer, or inside a temporary restroom do not meet the posting requirement. Resident Engineers, contract managers, and other delegated Caltrans staff will verify the prime contractor has posted the following:

- ☐ State general prevailing wage determinations in effect on date advertised
General prevailing wage determination _____
Journeyman and Apprentice Prevailing Wage Rates can be accessed at the following Web sites:
<http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm> and <http://www.dir.ca.gov/das/publicworks.html>
Reference: California Labor Code Section (LC §) 1773.2
- ☐ Federal Prevailing Wage Determinations in effect on bid date
General Decision #: _____ Modification #: _____ Publication Date: _____
General Decision County Index for CA: <http://www.wdol.gov/wdol/scafiles/davisbacon/ca.html>.
Select the county where the work will be performed. *Reference: Davis Bacon Act*
- ☐ Company EEO policy *Reference: Contract Provisions, Federal Highway Administration (FHWA) Form 1273*
- ☐ Department of Fair Employment and Housing (DFEH) Forms 162 (English) and 162(S) (Spanish),
Harassment or Discrimination in Employment is Prohibited by Law
- ☐ Pay Day Notice

Initials of Prime: _____

**CT Federal Labor
Compliance
Prejob Checklist**
<https://dot.ca.gov/programs/construction/labor-compliance>



Labor Compliance:

2. Posters



Posters, Notices, Wage Rates...

- Posted on job site
- Legible and in plain view
- Documented in project records



Labor Compliance:

2. Posters

Contractor Bulletin Board Inspection Checklist State and Federally Construction Funded Projects (Handout Pg. 15)

CONTRACTOR BULLETIN BOARD INSPECTION STATE AND FEDERALLY FUNDED HIGHWAY CONSTRUCTION PROJECTS

Contract Number: _____

Prime Contractor: _____

Visual inspection of posters listed below is required at jobsite within 30 days of the start of work.
Forward the completed checklist to the District or Region Labor Compliance Office.

	YES	NO
1. Are the posters or bulletin board in an area readily accessible to all employees?	_____	_____
2. Are the posters readable and in good condition?	_____	_____

The following items must be posted on the bulletin board:

For all Projects:



- | | | |
|--|-------|-------|
| 1. State Prevailing Wage Rates | _____ | _____ |
| 2. Pay Day Notice—DLSE 8 or similar | _____ | _____ |
| 3. Discrimination in Employment - DFEH 162 English | _____ | _____ |
| La Ley Prohíbe la Discriminación y el Acoso en el Empleo-DFEH 162S Spanish | _____ | _____ |
| 4. Notice of Labor Compliance Program Approval—English | _____ | _____ |
| Notificación Sobre La Aprobación Del Programa Para El Cumplimiento De La Ley Laboral—Spanish | _____ | _____ |
| 5. Contractor's EEO Policy | _____ | _____ |

For all Federal-Aid Projects:



- | | | |
|---|-------|-------|
| 1. Federal Davis-Bacon Wage Rates | _____ | _____ |
| 2. False Statement Poster—PR 1022 | _____ | _____ |
| 3. Equal Employment is the Law—OFCCP 1420 | _____ | _____ |
| La Igualdad De Oportunidades De Empleo Es La Ley—OFCCP 1420 | _____ | _____ |
| 4. Employee Rights Under the Davis-Bacon Act—WH 1321 English | _____ | _____ |
| Derechos Del Empleado Bajo La Ley Davis-Bacon—WH 1321 Spanish | _____ | _____ |

<https://dot.ca.gov/programs/construction/labor-compliance>



Labor Compliance:

2. Posters



- FHWA Posters website:
<http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
 - Provides law citation for each poster
 - Print posters
- U.S. Department of Labor Posters website:
<http://www.dol.gov/compliance/topics/posters.htm>
 - Determine poster required [elaws Poster Advisor](#)
 - Download or print posters



Labor Compliance:

3. Daily Report



Daily Report Information:

- Contractor/Subcontractor company name
- Employees' full names
- Classifications
- Equipment they operate
- Hours worked
- Description of work performed
- Designate owner operators of equipment by name (John Smith O/OP)
- Signed with printed inspector name



Labor Compliance:

3. Daily Report



Daily Report:

- Vital for confirming information provided by contractors/subcontractors on submitted payroll records.
- Used to identify:
 - Which payroll records should be submitted
 - Employee(s) who performed prevailing wage work
 - Hours the worker should be paid for
 - Equipment operated or duties performed to confirm paid at the appropriate classification



ASSISTANT RESIDENT ENGINEER'S DAILY PROJECT REPORT

Location & Description of Operation: CONTRACTOR WORKED ON SUBGRADE BETWEEN STA 291 AND 323. GRADE HAS NOT BEEN CHECKED BUT COMPACTION TEST WENT 97%. ALSO, CONTINUED TO ROLL SUBGRADE BETWEEN STATION 414 AND 423 FOR LCB. WORKED AT DRAINAGE LOCATION # 22 GETTING 66' LF OF 18" CSP INSTALLED AND BACKFILLED.

EQUIPMENT AND/OR LABOR:			HOURS - ITEM NO.								WEATHER
EQ. NO.	NO. PERSONS	DESCRIPTION (Of Equipment or Labor)	#2-Traffic Control	#16-Roadway Gr	#26-L.C.B.	#39-18" C.S.P	Idle or Down	REMARKS (Reason for idleness or other remarks)		PARTLY CLOUDY AND WARM	
L-6	1	PICK UP	1	7					BRAD PITT - OWNER		
L-12	1	PICK UP - ARROW BOARD	1			7			JOHN WAYNE - SUPT		
L-85	1	ROLLER		8					ROBERT REDFORD - FOREMAN		
L-53	1	CAT GRADER				7			ANDY GARCIA - OPERATOR		
L-31	1	1 TON FLAT BED				8			MATT DAMON - LABORER		
L-43	1	CASE BACKHOE		8					LEE MARVIN - OPERATOR		
1	1	PICK UP TRUCK				8			BRUCE WILLIS - CARPENTER		
2	1	PICK UP TRUCK				8			CAMERON DIAZ - LABORER		
	1					8			JULIA ROBERTS - LABORER		
	1					8			MEL GIBSON - LABORER		
	1					8			GARY COOPER - LABORER		

SUBCONTRACTOR CONTINUED POURING LCB GETTING TO STATION 705. THEY PLACED 69 CY (7 LOADS). I MET WITH MARY POPPINS OF PACIFIC TELEPHONE AT ORCHARD LANE. SHE STAKED EXISTING UNDERGROUND CABLE THAT CROSSES THE 18" CSP THAT WAS PLACED TODAY. NO PROBLEM THOUGH, OUR PIPE MISSED IT.

LANE CLOSURE: NB #2 LANE FROM RUSSELL ROAD TO PESANTE ROAD, UNTIL 3:00 PM

Signature _____ Title _____

**Assistant RE's
 Daily Report
 CEM 4601
 (Handout Tab 6,
 Pg. 2)**



Labor Compliance:

4. Check Certified Payrolls



- Prime Contractor **must submit** complete and accurate payroll documents weekly from:



- Failure to submit:
 - 10% withhold on progress payment for the month
 - (Min. \$1,000 – Max. \$10,000)

Labor Code 1771.5
Required Federal-aid Contract Language
(Ex. 12-B)



Labor Compliance:

4. Check Certified Payrolls



Payrolls must clearly show...

- Name, address & social security number for all employees performing covered work
- Appropriate **classification** based on work performed
- Hours worked (R and OT)
- Wages paid (R and OT)
- Deductions
- Gross and net earned
- All information required by DOL and DIR on the division approved forms

Required Federal-aid Contract Language
(Ex. 12-B)
& CA Labor Code 1776

PERSONAL INFORMATION NOTICE

CONTRACTOR/SUBCONTRACTOR

BUSINESS ADDRESS

PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION
-------------	-----------------	----------------------

CONTRACT NUMBER

FEDERAL AID NUMBER

EMPLOYEE NAME, ADDRESS AND SOCIAL SECURITY NUMBER	NUMBER OF WITH- HOLDING EXEMPTIONS	WORK CLASSIFICATION	ST OR OT	DAY AND DATE							TOTAL HRS.	RATE OF PAY	GROSS AMOUNT EARNED			DEDUCTIONS (BASED ON GROSS AMOUNT EARNED - ALL PROJECTS)						NET WAGES PAID FOR WEEK	CK. NO.				
													THIS PROJECT	ALL PROJECTS	FED TAX	FICA (SOCIAL SECURITY)	STATE TAX	SDI	VAC	OTHER	TOTAL DEDUCTIONS						
				HOURS WORKED EACH DAY																							
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Labor Compliance:

4. Check Certified Payrolls



- Ensure contractor submits all required payroll forms
 - Fringe Benefit Statement (at beginning of contract and then only if amounts change)
 - Weekly certified payroll
 - Statement of Compliance (must accompany each weekly certified payroll)
 - Must be original signature or electronic signature
- Spot check to ensure applicable wage rates paid **for the type of work performed**
 - Each month compare cross check daily reports, interviews and payroll for at least 1 worker..
- Check, mark, and initial

LAPM 16 Task 7 Labor Compliance



Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ on the _____
(Contractor or Subcontractor); that during the payroll period commencing on the _____
(Building or Work) _____ day of _____, _____, and ending the _____ day of _____, _____,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)
weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ — Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed

Certifies three things:

1. All persons have been paid their full weekly wages without deductions.
2. Wage rates and classifications are correct.
3. Apprentices are properly registered.

REMARKS:	
NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

FHWA Form WH-347

Acceptable “Statement of Certification”



Labor Compliance:

4. Check Certified Payrolls



Prevailing Wage Rates:

- **Federal Wage Rate Determinations**

- U.S. Secretary of Labor
- Modification Effective 10 days before bid open
 - Wage Determination must be included in the **executed contract**, not just in the special provisions
 - Must be updated up to 10 days of bid opening
 - Find the appropriate county where work is being performed and click the county code link



All Award Data ▾

I'm looking for...



Search

Welcome

This will be the official U.S. government website for people who make, receive, and manage federal awards.



What Can I Do Here?

Contracting



Wage Determinations (WDOL)

This website has officially replaced WDOL.gov.

- About Wage Determinations
- Search Wage Determinations

[FBO.gov](#) and [FPDS.gov](#) remain the authoritative sources for contract information. We encourage you to test the search function, user accounts, saved searches, and provide [feedback](#).

Learn more

- Contract Opportunities (FBO)
- Contract Data (FPDS)



<https://beta.sam.gov/>

Library

Keyword Search

> [Explore our Library](#)

New to beta.SAM.gov

Data Sets

Assistance Listings

Contract Opportunities

Contract Data

Entity Information

Federal Hierarchy

Wage Determinations

Resources

Policies

What you think matters!

[Provide Feedback](#)

LEARNING CENTER

Wage Determinations

[Wage Determinations Help](#)

[Labor Advisors](#)

This site is the official source

A wage determination is a listing of wage rates and fringe benefit rates for each labor category of workers which the U.S. Department of Labor has determined to be prevailing in a given area.

Wage determinations fall under two categories: Davis-Bacon Act (DBA) WDs and Service Contract Act (SCA) WDs. The DBA applies to contracts involving the construction, alteration, and/or repair (including painting or decorating) of public buildings or public works. These contracts must specify the minimum wages and fringe benefits to be paid to laborers and mechanics employed under the contract.

The Service Contract Act (SCA) applies to federal and District of Columbia contracts that provide services. It establishes standards for wage rates and safety and health protections for employees performing work on covered contracts.

You can find the applicable DBA and SCA wage determinations required for each contract action in SAM. Search by wage determination (WD) number, or use the filters to narrow down your results by geographic location.

Each wage determination reflects the current data provided by the Department of Labor. In the future, you will be able to sign up to follow wage determinations as they are updated.

Resources

- [Latest Updates](#)

Legacy website



[Public Quick Start Guide](#)

[Search Wage Determinations](#)

e98 Form

[e98\(request official SCA WD from DOL\)](#)

Wage Determinations

Formerly Wage Determinations Online(WDOL)

The official website for obtaining wage determination (WDs) for official contract actions



e-98 Form



Due for Revision

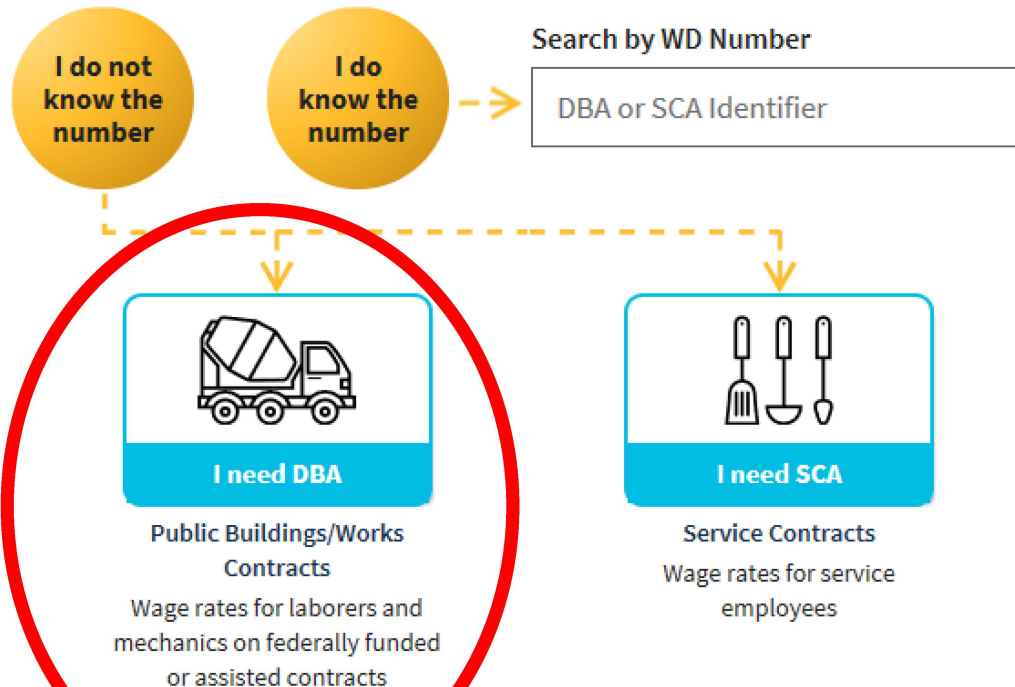


Reference Library



Videos, FAQs, Glossary

Help me find a Wage Determination



Wage Determinations ▾

I'm looking for...

Search

Wage Determinations

Wage Determinations Search

The Wage Determination filters to the left ask a series of questions to determine if the best WD is available on the site. If any criteria such as a specific location is not present or the non-standard service does not strictly apply, please click [here](#) to submit an eDB form. Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

[DBA Rollover Crosswalk](#)
[DBAs to be revised](#)

Search Results

Showing 1 - 10 of 4,217 results

Sort By

Date Modified ▾



Davis-Bacon Act WD #: [AK20190001](#)

State
Alaska

County/Ties

Aleutians East, Aleutians West, Anchorage, Bethel, Bristol Bay, Denali, Dillingham, Fairbanks North Star, Haines, Juneau, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, Matanuska-Susitna, Nome, North Slope, Northwest Arctic, Peninsula & Lake, Prince Of Wales-Outer Ketchikan, Sitka, Skagway-Yakutat-Angoon, Southeast Fairbanks, Valdez-Cordova, Wade Hampton, Wrangell-Petersburg, Yukon-Koyukuk

Wage Determination

Modification #

10

Construction Type

Building, Heavy

Last Revised Date

Aug 01, 2019

Davis-Bacon Act WD #: [AL20190080](#)

State
Alabama

County/Ties

Choctawhatchee, Dallas, Escambia, Greene, Marengo, Monroe, Perry, Sumter, Washington, Wilcox

Wage Determination

Modification #

1

Construction Type

Building

Last Revised Date

Aug 01, 2019

Davis-Bacon Act WD #: [AL20190083](#)

State
Alabama

County/Ties

Baldwin

Wage Determination

Modification #

2

Construction Type

Building

Last Revised Date

Aug 01, 2019

Wage Determination Type

☒ Davis-Bacon Act (DBA)

☐ Service Contract Act (SCA)

☐ Collective Bargaining Agreement (CBA)

Location

Select State

Select...

Select County/Independent City

Select...

DBA: Construction Type

Select Construction Type

Select...

Status

☒ Active Only

Keywords

Clear All

Date

Date Type

Published/Revised ▾

☒ Date ☐ Date Range

Month

Day

Year

Clear

Filter

Clear All

General Decision Number: CA160029 08/26/2016 CA29

Superseded General Decision Number: CA20150029

State: California

Construction Types: Building, Heavy (Heavy and Dredging) and Highway

Counties: Alameda, Calaveras, Contra Costa, Fresno, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus and Tuolumne Counties in California.

BUILDING CONSTRUCTION PROJECTS; DREDGING PROJECTS (does not include hopper dredge work); HEAVY CONSTRUCTION PROJECTS (does not include water well drilling); HIGHWAY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.15 for calendar year 2016 applies to all contracts subject to the Davis-Bacon Act for which the solicitation was issued on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.15 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2016. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/08/2016
1	01/15/2016
2	02/26/2016
3	03/04/2016
4	03/18/2016
5	04/29/2016
6	07/08/2016
7	07/22/2016
8	07/29/2016
9	08/12/2016
10	08/26/2016

ASBE0016-004 01/01/2015


AREA 1: CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, SANTA CRUZ, STANISLAUS & TOULMNE COUNTIES

AREA 2: ALAMEDA, CONTRA COSTA, SAN FRANSICO, SAN MATEO & SANTA CLARA COUNTIES


Wage Determinations


Formerly Wage Determinations Online(WDOL)

The official website for obtaining wage determination (WDs) for official contract actions

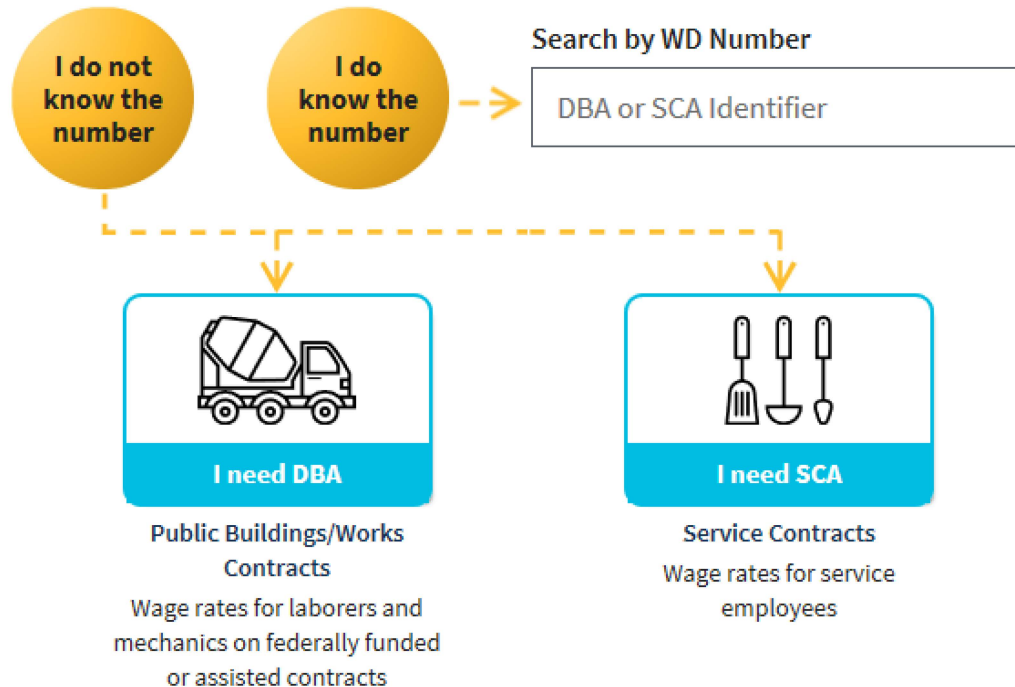
 e-98 Form

 Due for Revision

 Reference Library

 WDL, FAQ, Glossary

Help me find a Wage Determination



Construction

Connect to resources about Wage Rate requirements for construction, formerly the Davis-Bacon Act (DBA).

[Davis-Bacon Act](#) 

Conformances

[Conformances under the Davis-Bacon Act*](#)

Forms

[SF308 - Request for DBA Project Wage Determination](#) 


[SF1444 - Request for Authorization of Additional Classification and Rate](#) 

Labor Standards and Compliance

Visit the Department of Labor's [Wage and Hour Division] to learn more about wage rates and compliance guidelines.

Standard


[Cross Index for Labor Standards*](#)

[DOL Prevailing Wage Resource Book](#) 

[Wage Grade \(WG\) Rates](#) 

[General Schedule \(GS\) Rates](#) 

Compliance

[Title 29 Code of Federal Regulations](#) 

[DOL Wage and Hour Division's Compliance Assistance](#) 

[DOL Wage and Hour Division's Field Operations Handbook](#) 

Standard

[Administrative Review Board Decisions and Library](#) 

[Decisions of the Wage Appeals Board](#) 

Labor Compliance:

4. Check Certified Payrolls



- **State Wage Rates:**
 - CA Director of Industrial Relations
 - Publishes twice a year 2/22 & 8/22
 - Becomes effective 10 days after publish date
 - Effective based on the contract advertisement date for the life of the project
 - Includes pre-determined increases
 - Includes provisions: Travel, Holiday & Shift



Director's General Prevailing Wage Determinations

- [2019-1 General prevailing wage determinations menu \(journeyman\)](#)
- [2019-1 General prevailing wage apprentice determinations menu](#)
- [Superseded prevailing wage determinations](#)
- [Residential prevailing wage determinations](#)
- [Important notices \(index 2006-1 to present\)](#)
- [Important notice: off-site fabrication decisions on appeal](#)
- [Frequently asked questions - Prevailing Wage](#)
- [Frequently asked questions - Off-Site Hauling](#)
- [Still have questions on prevailing wage?](#)

March 2019

<https://www.dir.ca.gov/OPRL/dprevwagedetermination.htm>

Index 2019-1 general prevailing wage journeyman determinations

General prevailing wage determinations
made by the director of industrial relations

Pursuant to California Labor Code part 7,

chapter 1, article 2, sections 1770, 1773, and 1773.1

The effective date of each determination is ten (10) days after the issue date. (8 CCR § 16000). The general determinations are issued twice a year (February 22nd and August 22nd) and go into effect ten days thereafter (March 3rd in a leap year and March 4th in a non-leap year for determinations issued on February 22nd, and September 1st for determinations issued on August 22nd).

To locate a particular journeyman craft or classification's prevailing wage determination, holiday, advisory scope of work, or travel and subsistence provision, please follow the six steps in the table below:

Step one	Statewide	First examine if your craft's determination is among the basic trades that apply to most counties in California.
Step two (A)	Northern California	If you have not found your craft in step one, check this area to see if your craft's determination is one of Northern California's basic trades.
Step two (B)	Southern California	If you have not found your craft in step one, check this area to see if your craft's determination is one of Southern California's basic trades.
Step three	San Diego	After following steps one and two (B), examine this area if your project is in San Diego County.
Step four	<div>Choose a county ▼</div> County determinations (subtrades) - excel format	If you have not found your craft in steps 1, 2, or 3, choose the county where work is being performed to examine the subtrades. HTML format.

[Download](#) all Northern California basic trade determinations (pages 33-59)

Page	Determination	Holidays, scope of work, travel & subsistence	Predetermined increase
33	Asbestos Worker, Heat and Frost Insulator (h)	Select One ▼	No increase *
52B	Asbestos Removal Worker (Laborer)	Select One ▼	No increase *
54	Building/Construction Inspector and Field Soils and Material Tester+	Select One ▼	Increase
34	Carpenter +	Select One ▼	Increase
53	Cement Mason +	Select One ▼	No increase *
43	Dredger (Operating Engineer) +	Select One ▼	Increase
35	Drywall Installer/Lather (Carpenter) +	Select One ▼	Increase
38	Elevator Constructor	Select One ▼	Increase
49	Laborer +	Select One ▼	Increase
57	Landscape Maintenance Laborer	Select One ▼	No increase *

****ALL LINKS ARE PART OF THE DETERMINATION AND SHOULD BE REVIEWED****

GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS
PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1

FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

CRAFT: # CEMENT MASON

DETERMINATION: SC-23-203-2-2018-1

ISSUE DATE: August 22, 2018

EXPIRATION DATE OF DETERMINATION: June 30, 2019** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director - Research Unit for specific rates at (415) 703-4774.

LOCALITY: All localities within Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties.

CLASSIFICATION (JOURNEYPERSON)	Basic Hourly Rate	Employer Payments					Straight-Time		Overtime Hourly Rate		
		Health and Welfare	Pension	Vacation/ Holiday	Training	Other Payments	Hours	Total Hourly Rate	Daily 1 1/2X	Saturday ^a 1 1/2X	Sunday/ Holiday 2X
Cement Mason, Curb and Gutter Machine Operator, Clary and Similar Type of Screed Operator (Cement only); Grinding Machine Operator (all types); Jackson Vibratory, Texas Screed and Similar Type Screed Operator; Scoring Machine Operator	\$35.75	8.02	9.27	6.80 ^b	0.64	0.27	8	60.75	78.625 ^c	78.625 ^c	96.50
Magnesite, magnesite-terrazzo and mastic composition, Epoxy, Urethanes and exotic coatings, Dex-O-Tex	\$35.87	8.02	9.27	6.80 ^b	0.64	0.27	8	60.87	78.805 ^c	78.805 ^c	96.74
Floating and Troweling Machine Operator	\$36.00	8.02	9.27	6.80 ^b	0.64	0.27	8	61.00	79.00 ^c	79.00 ^c	97.00

Indicates an apprenticeable craft. The current apprentice wage rates are available on the Internet @ <http://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp>. To obtain any apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at <http://www.dir.ca.gov/das/das.html>.

^a Saturday in the same work week may be worked at straight-time rate, up to 8 hours on Saturday or when the employee has worked a total of 40 hours in

PREDETERMINED INCREASE FOR

CEMENT MASON
(SC-23-203-2-2018-1)

IN ALL LOCALITIES WITHIN IMPERIAL, INYO, KERN, LOS ANGELES,
MONO, ORANGE, RIVERSIDE, SAN BERNARDINO,
SAN LUIS OBISPO, SANTA BARBARA, AND VENTURA COUNTIES

This predetermined increase for the above named craft applies only to the current determination for work being performed on public works projects with bid advertisement dates on or after September 1, 2018, until this determination is superseded by a new determination or a predetermined increase modification notice becomes effective.

When referencing our prevailing wage determinations, please note that if the prevailing wage rate determination which was in effect on the bid advertisement date of a project has a single asterisk (*) after the expiration date, the rate will be good for the life of the project. However, if a prevailing wage rate determination has double asterisks (**) after the expiration date, the rate must be updated on the following date to reflect the predetermined rate change(s).

Cement Mason

Determination SC-23-203-2-2018-1 is currently in effect and expires on June 30, 2019**.

Effective on July 1, 2019, there will be an increase of \$2.05 allocated as follows: \$1.25 to Basic Hourly Rate, \$0.15 to Health and Welfare, \$0.41 to Pension, and \$0.24 to Vacation and Holiday.

Effective on July 1, 2020, there will be an increase of \$1.85 allocated as follows: \$0.15 to Pension, and \$1.70 to Wages and/or fringes.

There will be no further increases applicable to this determination.

Issued 8/22/2018, Effective 9/1/2018.

This page will be updated when wage rate breakdown information becomes available.
Last Updated: May 21, 2019



Labor Compliance:

4. Check Certified Payrolls



Prevailing Wage Rates:

- Contractor must comply with State & Federal requirements
 - The stricter of the two will be enforced to ensure compliance with both State & Federal laws.
- Contractor must **use classifications appearing in the Federal determinations**
 - No "helper" classification
 - No classifications based on hours of experience

Required Federal-aid Contract Language

(Ex. 12-B)⁴²

Labor Compliance:

4. Check Certified Payrolls



- **Review & Confirmation of Payroll Records:**
 - All required payroll records must be submitted and received and meet state and federal requirements.
 - “Spot-check” received payroll against agencies daily reports to ensure compliance.
 - Representative of all classifications.
 - Initial & Date payroll records after review has been completed.
 - If violations are identified check entire payroll record, and possibly past payroll records, as needed.



Labor Compliance:

5. Employee Interviews



- LAPM states:
 - Minimum of 2 employees per contract per month
 - Must include at least 1 employee for the prime
 - Must include at least 1 employee from a subcontractor
 - Continue to perform interviews until all employees have been interviewed, or contract is accepted.
 - Representative of all classifications

LAPM Chapter 16: Task 5



ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 854-6410 or TDD (916) 854-3660 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

CONFIDENTIAL

This document contains personnel information and pursuant to Civil Code 1798.51 it must be kept confidential in order to protect against unauthorized disclosures.

Lock Data on Form

CONTRACT NO.

FED. NO.

INSTRUCTIONS - (SEE REVERSE SIDE)

1. TO BE FILLED IN BY INTERVIEWER (Data may be obtained from payroll records or during source document review)

EMPLOYEE NAME		LABOR CLASSIFICATION
MINIMUM BASE WAGE PER CONTRACT:	BASE RATE	FRINGE BENEFITS
MINIMUM BASE WAGE PER CONTRACT:	BASE RATE	FRINGE BENEFITS
EMPLOYER		PRIME CONTRACTOR ON THE PROJECT (IF SAME, SO STATE)
WORK BEING PERFORMED AT TIME OF INTERVIEW		

2. QUESTIONS TO BE ASKED OF EMPLOYEE

A. HOW LONG HAVE YOU WORKED FOR YOUR PRESENT EMPLOYER?		HOW LONG ON THIS PROJECT?	
B. DESCRIBE THE TYPE OF WORK YOU HAVE BEEN DOING THIS PAST WEEK			
C. WHAT IS YOUR WAGE (Include Base and Fringe Benefits) (Compare to Payroll)			DO YOU KEEP A RECORD OF THE HOURS YOU WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO
D. DO YOU WORK OVERTIME? <input type="checkbox"/> FREQUENTLY <input type="checkbox"/> SELDOM <input type="checkbox"/> NONE	ARE YOU PAID TIME AND ONE-HALF FOR OVERTIME? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF NO, EXPLAIN
E. HAS YOUR EMPLOYER DIRECTED YOUR ATTENTION TO THE REQUIRED WAGE RATE POSTERS ON THE PROJECT? <input type="checkbox"/> YES <input type="checkbox"/> NO		HAVE YOU SEEN THOSE POSTERS? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF NO, EXPLAIN
F. ARE YOU AWARE OF THE CONTRACTOR'S EEO POLICIES? <input type="checkbox"/> YES <input type="checkbox"/> NO		DOES THE CONTRACTOR HOLD REGULAR EEO MEETINGS? <input type="checkbox"/> YES <input type="checkbox"/> NO	HOW OFTEN?
WHO CONDUCTS THE MEETINGS?		WHO IS THE EEO OFFICER FOR YOUR EMPLOYER?	WHO IS THE EEO OFFICER FOR THE PROJECT?
G. ARE YOU INTERESTED IN / OR HAS YOUR EMPLOYER INFORMED YOU OF UPGRADING AND TRAINING POSSIBILITIES? <input type="checkbox"/> YES <input type="checkbox"/> NO			IF YES, PLEASE EXPLAIN

3. ADDITIONAL QUESTIONS FOR OWNER OPERATORS

A. EQUIPMENT DESCRIPTION		TRUCK LICENSE NO.	TRUCK CA #
HOURLY RATE (Fully operated and maintained) \$	BASE EQUIPMENT RATE \$	ON WHAT DO YOU BASE YOUR EQUIPMENT RENTAL RATE? <input type="checkbox"/> HOURLY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY	
B. DO YOU OWN THE EQUIPMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		MAY I SEE YOUR CERTIFICATE OF OWNERSHIP? (Please Answer Note Responses)	
LEGAL OWNER		REGISTERED OWNER	
4. EMPLOYEE COMMENTS		5. INTERVIEWER'S COMMENTS	
DO YOU HAVE ANY COMMENTS OR COMPLAINTS ABOUT WAGES OR EEO POLICIES? BE SPECIFIC:			
NAME OF INTERVIEWER (PRINT) _____ DATE _____		NAME OF RESPONDENT EMPLOYEE (PRINT) _____ DATE _____	



CT Construction Form CEM 2504 (Handout Pgs. 13-14)

Exhibit 16-N
(English)
Exhibit 16-P
(Spanish)



Labor Compliance: Cross Check



- Each month spot check by cross referencing daily reports, interviews and payrolls for at least 1 employee.





Labor Compliance:

6. Federal Trainee Requirements



Objectives:

- Part of the EEO requirements under the contract.
- Upward mobility for women and minorities
- Ensures a diverse workforce
- Filling training positions contractors shall focus on women and minorities but not exclude anyone

LAPM 12 Federal Trainee Program



Labor Compliance:

6. Federal Trainee Requirements



- **Trainees are required if:**
 - a. Duration of contract
 - Less than 100 days = no trainees
 - b. Work Category dollar value
 - Over \$400K – see Federal Trainee Schedule
 - Under \$400K = no trainees

Both the duration and the dollar value of the contract must be present.

LAPM Chapter 12, Federal Trainee Program

Labor Compliance:

6. Federal Trainee Requirements



If the proposed construction contract has 100 working days or more, add individual totals for each of the following work categories in the Engineer's Estimate:

- ✓ Earthwork (except for imported borrow)
- ✓ Pile driving
- ✓ Portland Cement Concrete (except for precast concrete)
- ✓ Masonry
- ✓ Bar reinforcing and pre-stressing steel
- ✓ Structural steel erection
- ✓ Electrical
- ✓ Buildings



Labor Compliance: Federal Trainee Requirements



Use the following table to calculate the number of trainees for each work category:

Table 12-2: Federal Trainee Schedule

Cost for Work Category	Number of Trainees	Cost for Work Category	Number of Trainees
< 400,000	0	16,000,000	15
≥ 400,000	1	18,000,000	16
700,000	2	20,000,000	17
1,000,000	3	23,000,000	18
1,500,000	4	26,000,000	19
2,000,000	5	29,000,000	20
2,500,000	6	33,000,000	21
3,000,000	7	37,000,000	22
4,000,000	8	41,000,000	23
5,000,000	9	45,000,000	24
6,500,000	10	50,000,000	25
8,000,000	11	> 50,000,000	*
10,000,000	12		
12,000,000	13		
14,000,000	14		

* 25, plus 1 additional trainee for every \$5,000,000 over \$50,000,000

4. If the totals for each of the work categories listed under Step 2 above are all less than \$400,000 then no trainees and no Federal Trainee Program special provisions are needed.



Labor Compliance: Federal Trainee Requirements



Required Federal Aid Contract Language

13. ***FEDERAL TRAINEE PROGRAM***

For the Federal training program, the number of trainees or apprentices is _____.

This section applies if a number of trainees or apprentices is specified in the special provisions.

As part of your equal opportunity affirmative action program, provide on-the-job training to develop full journeymen in the types of trades or job classifications involved.

Special Provisions Required Federal-aid Contract Language
(Ex. 12-B)



Labor Compliance:

6. Federal Trainee Requirements



- **Agency Responsibility:**
 - Include the federal training goal language in the Notice to Bidders and contract language (if applicable).
 - Collect and review the contractors training plan prior to the start of work.
 - Confirm the use of the apprentices on the project prior to submitting payment via CCOs.
 - Apply sanctions for failure to meet the goal.



Labor Compliance:

6. Federal Trainee Requirements



- **Contractors Responsibility:**
 - Submit a training plan to meet required federal training goals prior to beginning work, which shall include:
 - Number of apprentices for each classification
 - Program to be used (*must be federally recognized*)
 - Anticipated starting date for each classification
 - Employ apprentices
 - Must be registered in a federally approved program, proof of registration to be submitted with payroll records
 - Shall begin training as soon as feasible
 - Remain on the project as long as training opportunities exist
 - Confirm the use of the apprentices on the project prior to submitting payment via CCOs.



Labor Compliance:

6. Federal Trainee Requirements



ANNUAL REPORTING:

- Contractor reports the number of trainees and jobs.
 - Form PR1391 “Federal-aid Highway Construction Contractors EEO Report” (Exhibit 16-O)
- The local agency forward to CT District Labor Compliance Officer.

Special Provisions Required Federal-aid Contract Language
(Ex. 12-B)



Labor Compliance:

6. Federal Trainee Requirements



Contractor Fails to Meet the Trainee Goal:

- Contractors must meet the Federal Training Goal as indicated in the contract provisions. No good faith effort is recognized
- Document direct recruitment efforts
- Sanction may be applied
 - May withhold progress payments

Special Provisions Required Federal-aid Contract Language

(Ex. 12-B)

Labor Compliance:

7. State Apprenticeship Requirements



- One (1) hour of apprentice work for every five hours (5) of journeyman work in each apprenticeable craft, calculated at the completion of the project.
- Must be registered in a state approved apprenticeship program in the craft for which the work is performed.
- Training fees must be paid directly to an approved training program or the California Apprenticeship Council
 - Cannot be paid to the employee
 - Paid for both journeyman and apprentice hours

Labor Code 1777.5



Labor Compliance:

8. Prevailing Wage Covered Work



“Covered” Work
versus
“Non-Covered” Work



Labor Compliance:

8. Prevailing Wage Covered Work



Who must be paid Prevailing Wage?

- All workers employed in the execution of the contract on a public works project
- Title of the worker is irrelevant. If a worker is performing duties covered under prevailing wage laws they shall be paid prevailing wage:
 - Includes: owners, partners, sole proprietors, officers, working-foreman etc. performing covered work on a public works project



Labor Compliance:

8. Prevailing Wage Covered Work



All on-site workers performing work on the project:

- Laborers and mechanics
- Equipment operators
- Concrete pump operators
- Soils and materials testing (CA Law)
- Consultants performing onsite construction/building inspection (CA Law)
- Installation or repair at site



Labor Compliance:

8. Prevailing Wage Covered Work



Covered work includes, but is not limited to:

- Fully operated equipment from equipment rental firms
- Owner operated equipment
- Truckers *employed by prime or subcontractor*
- Truckers off hauling project material
- Ready Mix Drivers (CA Law for contracts advertised as of 7/1/16)
- Hauling between public works projects
- Borrow pit (set up for job – not previously used)
- Work performed at staging sites dedicated to the project
- On-site batching



Labor Compliance:

8. Prevailing Wage Covered Work



WORKERS PERFORMING THE FOLLOWING DUTIES ARE NOT SUBJECT TO PREVAILING WAGE REQUIREMENTS:

- Supervision and administrative/clerical duties
- Commercial Establishments:
 - Delivery of Material
 - Truckers hauling from a commercial plant ***if employed by the commercial plant*** (except ready-mix concrete drivers!)
 - Borrow pit (exists prior to project inception)
 - Repair shop and fabrication performed at the vendors own building



Labor Compliance:

9. Non-Compliance



Failure to submit payrolls/inadequate payrolls:

- Notify contactor in writing
- Withhold monies due on monthly progress payment
 - *Recommended:* up to 10% of the payment, a minimum of \$1,000 and a maximum of \$10,000
 - *Allowable:* entire payment

Special Provisions Required Federal-aid Contract Language
(Ex. 12-B)



Labor Compliance:

9. Non-Compliance

Sample Notice of Delinquent or Inadequate Certified Payroll Records (Handout Pgs. 17-20)

DEPARTMENT OF TRANSPORTATION
DIVISION OF CONSTRUCTION
DISTRICT XX
ADDRESS
CITY, STATE ZIP
PHONE XXX-XXX-XXXX
FAX XXX-XXX-XXXX
TTY 711
districtX.payrolls@dot.ca.gov



Serious drought.
Help save water!

NOTICE OF DELINQUENT OR INADEQUATE CERTIFIED PAYROLL RECORDS

[Date]

[Prime Contractor's Name]

[Address]

[City, ST ZIP]

Dear [Prime Contractor's Name]:

The Department of Transportation (Caltrans) is temporarily withholding contract payments due to delinquent or inadequate certified payroll records as specified below for contract [Contract Number]. If the records are for a subcontractor, you are required to withhold funds for delinquent or inadequate certified payroll records under Labor Code § 1729. Provide the delinquent or inadequate records within 15 days of the date of this letter.

DELINQUENT CERTIFIED PAYROLLS— Records not provided to Caltrans by the 15th of the month for the previous month's work.

Contractor	Week Ending Date	Comments
Wet Concrete Company	1/8/11	Statement of Non Performance Received
Limpy Rebar, Inc.	1/8/11, 1/15/11	
Kaput Construction	1/22/11	
Blind Traffic Control Co.	1/1/11, 1/22/11	
Slow Poke Trucking	1/8/11, 1/15/11, 1/29/11	Submit Truck Owner Operator Certifications if drivers are not employees

INADEQUATE CERTIFIED PAYROLLS - Records missing those elements specified in Labor Code § 1776.

Contractor	Week Ending Date	Date Notified	Comments
Dandelion Landscaping	1/1/11	2/18/11	Missing Statement of Compliance
Rubber Tire Trucking	1/8/11, 1/15/11	2/18/11	Lacking full social security numbers
Blind Traffic Control Co.	1/22/11, 1/29/11	2/18/11	Lacking employee addresses



Labor Compliance:

9. Non-Compliance



- **What to do if the contractor refuses to provide payrolls**
 - Violation
 - Compiled into a wage case
 - Penalties to be assessed
 - If payrolls not submitted within 10 days, penalties will be assessed in accordance *\$100 per worker for each calendar day the payroll has not been submitted (Labor Code 1776g)*
 - *For underpayment of wages up to \$200 per day per worker where the underpayment occurred (Labor Code 1775)*
 - *For underpayment of overtime wages \$25 per day (Labor Code 1810-1815)*
 - Send final notice via certified letter informing contractor of intent to submit wage case and penalties
 - If contractor does not resolve violations within 10 days submit wage case

CT Construction Manual Ch 8, Labor Compliance
CA Labor Code Section 1775 & 1776(g)



Labor Compliance:

9. Non-Compliance



- Get approval from the DIR
 - DIR/Labor Standards Enforcement enforces State law
- Take penalty (non-refundable)
- Labor compliance issues are *not claimable*
- Report *Federal* violations to Caltrans DLAE



Labor Compliance: Resources



Manuals

- Labor Compliance
 - Local Assistance Procedures Manual Ch. 16
 - Caltrans Construction Manual Ch. 8
 - DIR DSLE Public Works Manual



Labor Compliance: Resources



Labor Compliance Internet Links:

- Caltrans Construction website
<https://dot.ca.gov/programs/construction>
- Caltrans Labor Compliance website
<https://dot.ca.gov/programs/construction/labor-compliance>
- Federal Apprenticeship Program Registration
<https://www.dol.gov/apprenticeship/>
- State Apprenticeship Program Requirements
<http://www.dir.ca.gov/das/das.html>



Labor Compliance: Resources



Labor Compliance Internet Links: (cont.)

- Federal Prevailing Wage Rates

<https://beta.sam.gov/>

- State Prevailing Wage Rates

<http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm>

- DIR Frequently Asked Question – Apprentices

<http://www.dir.ca.gov/das/publicworksfaq.html>

- DIR DSLE Public Works Manual

<http://www.dir.ca.gov/dlse/PWManualCombined.pdf>

- DIR – CAC training fund contributions

<http://www.dir.ca.gov/CAC/trainingfund/Tfsearch.html>



Labor Compliance: Resources



Advise, training and assistance?

- Caltrans Construction Oversight Engineers (COE)
- Caltrans District Labor Compliance Officers

Caltrans Headquarters Labor Compliance Office

Lindsey Woolsey,

Labor Compliance Branch Chief

Phone: (916) 653-3134

Fax: (916) 654-5735

Labor Compliance: HQ Support Team



Pat Maloney, HQ Labor Compliance Program Chief
Kimberley Olson, HQ Branch Chief Enforcement
Lindsey Woolsey, HQ Branch Chief Policy & Training

Pat.Maloney@dot.ca.gov
Kimberley.Olson@dot.ca.gov
Lindsey.Woolsey@dot.ca.gov

Patrick D'Arcangelo, Audits and Investigations
Ally Grayson, Admin and Reporting Liaison
Andy Pueschel, Division Liaison
Christy Muroaka, District Liaison
Diane Huynh, Wage Case Administrator
Taelor Stamm, Civil Rights Programs Liaison
Adam Whitcomb, Training and Policy

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Christine.Muraoka@dot.ca.gov
Diane.Huynh@dot.ca.gov
Taelor.Stamm@dot.ca.gov
Adam.Whitcomb@dot.ca.gov



EQUAL EMPLOYMENT OPPORTUNITY (EEO)



Equal Employment Opportunity



Objectives...

- Know the EEO requirements of Form FHWA 1273
- Form FHWA 1391, Annual EEO Report
- Discrimination Complaints

Laws:

- Title VI of the Civil Rights Act of 1964
- Implemented by 23 CFR Part 200
- Title VI mandates that Federal assistance not be used to discriminate

LAPM Ch. 16 & CT CM Ch. 8



Equal Employment Opportunity



- All federal-aid construction contracts and all related subcontracts of \$10,000 or more
- Covers race, color, religion, sex, national origin, age, and disability



Equal Employment Opportunity



Goals:

- To ensure **nondiscrimination** in contractor's employment practices:
 - Recruitment
 - Hiring
 - Pay
 - Training
 - Promotion
 - Retention
- Increased participation of minorities and women

Special Provisions Required Federal-aid Contract Language
(Ex. 12-B)



Supes OK tough local-hire law

Rachel Gordon, Michael Cabanatuan

Wednesday, December 8, 2010

Calling it the toughest such law in the nation and a big boost to putting San Franciscans to work in good-paying jobs, the Board of Supervisors approved a local-hire law Tuesday that would eventually require that city-funded construction projects must have at least half of the jobs performed by local residents.

"We need a New Deal in San Francisco," said Supervisor **John Avalos**, chief sponsor of the legislation, who offered revisions to secure support from more of the building trades unions. The board vote in favor was 8-3 - a veto-proof majority - with a second affirmative vote required next week.

Mayor **Gavin Newsom** has not said whether he will attempt a veto. The mayor's biggest concern be worth the added contracting costs, said his spokesman **Tony Winnicker**. Under the proposed working on city-funded construction projects worth \$400,000 or more would have to ensure that Francisco during the first year the mandate becomes effective; local-worker participation would in percent mark in seven years.

Contractors who fail to meet the requirement would face financial penalties.

Joining Avalos in voting in favor of the legislation were Supervisors **David Campos**, **David Chiu**, **Maxwell** and **Ross Mirkarimi**. Opposed were Supervisors **Michela Alioto-Pier**, **Carmen Chu**

Use of
local hiring
provisions
prohibited.

Required
Federal-aid
Contract
Language
(LAPM 12-9)



Equal Employment Opportunity



Agencies Responsibilities:

- Discuss EEO requirements at the pre-con meeting
- Perform employee interviews
- Verify EEO posters are placed
 - EEO Officer's name listed
- Review Contractor's Annual EEO Report



Equal Employment Opportunity: Annual EEO Report



Purpose:

Annual report to U.S. Congress on the race and gender composition of federal-aid transportation construction contracts

Federal-aid Highway Construction Contractor's Annual EEO
Report Form FHWA 1391 (LAPM 16-O)



Equal Employment Opportunity: Annual EEO Report



Application:

- All federal-aid highway construction contracts of \$10,000 or more
- Prepared by prime contractors and their subcontractors who have employees working on the job during the last full week in July



Equal Employment Opportunity: Annual EEO Report



FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT																						
1. MARK APPROPRIATE BLOCK <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor			2. COMPANY NAME, CITY, STATE:				3. PROJECT NUMBER:				4. DOLLAR AMOUNT OF CONTRACT:				5. PROJECT LOCATION: (County and State)							
This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019 expiring in March, 2013.																						
6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY 20__ (INSERT YEAR)																						
TABLE A																		TABLE B				
JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL/ ETHNIC MINORITY		BLACK or AFRICAN AMERICAN		HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS	0	0	0	0																		
SUPERVISORS	0	0	0	0																		
FOREMEN/WOMEN	0	0	0	0																		
CLERICAL	0	0	0	0																		
EQUIPMENT OPERATORS	0	0	0	0																		
MECHANICS	0	0	0	0																		
TRUCK DRIVERS	0	0	0	0																		
IRONWORKERS	0	0	0	0																		
CARPENTERS	0	0	0	0																		
CEMENT MASONS	0	0	0	0																		
ELECTRICIANS	0	0	0	0																		
PIPEFITTER/PLUMBERS	0	0	0	0																		
PAINTERS	0	0	0	0																		
LABORERS-SEMI SKILLED	0	0	0	0																		
LABORERS-UNSKILLED	0	0	0	0																		
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TABLE C (Table B data by racial status)																						
APPRENTICES	0	0	0	0																		
OJT TRAINEES	0	0	0	0																		
8. PREPARED BY: (Signature and Title of Contractors Representative)								9. DATE				10. REVIEWED BY: (Signature and Title of State Highway Official)								11. DATE		

Form FHWA- 1391 (Rev. 06-10) PREVIOUS EDITIONS ARE OBSOLETE

Annual EEO Report Form FHWA 1391(LAPM 16-0)



Equal Employment Opportunity: Discrimination Complaints



Discrimination Complaints:

- Identify potential discrimination behaviors that could lead to formal complaints
- Document in diary
- Notify contractor's EEO Officer of observed discriminatory behavior
- Discrimination Complaint Brochure

LAPM 16.12 Equal Employment Opportunity



Labor Compliance/EEO



Questions?